

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE MATTER OF:)

COMPLAINT C2012-013)

State Ethics Commission,)

Complainant;)

vs.)

Henry W. King, Jr.,)

Respondent.)

BEFORE THE STATE ETHICS COMMISSION

STATE ETHICS
COMMISSION

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on August 2, 2011. On November 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Henry W. King, Jr., with a violation of Section 8-13-1308(D), and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on March 21, 2012 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and JB Holeman. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE

FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Henry W. King, Jr., a candidate for Clarendon County Sheriff in a primary election on June 10, 2008, on or about February 1, 2010, did fail to timely file a corrected pre-election Campaign Disclosure Report in violation of Section of

8-13-1308(D).

STATEMENT OF FACTS

1. The Respondent, Henry W. King, Jr., was a candidate for Clarendon County Sheriff in a primary election on June 10, 2008 and he was required to file a pre-election campaign disclosure form (CD).

2. Commission Investigator Dan Choate testified that during the course of his investigation he determined that on November 6, 2009 Respondent filed a pre-election/final CD for the June 2008 primary. The CD was returned as it was incomplete. Respondent was advised in a January 22, 2010 letter to itemize the expenditures and return the CD. Staff sent a second letter on May 17, 2010 seeking the return of the CD. On June 16, 2011 Respondent was penalized \$100.00. On July 8, 2011 Respondent was sent a certified letter about the growing late filing penalty. On August 2, 2011 a complaint was filed against Respondent. Respondent filed a corrected pre-election CD on March 21, 2012.

3. Respondent testified that he had suffered a heart attack following the election and he has had memory problems ever since. He testified that his papers aren't organized and he can't remember where the money was spent for sure. Respondent testified that most of the campaign money was his.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, Henry W. King, Jr., is a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction

3. Section 8 13 1308(D)(1) provides:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Henry W. King, Jr. is in violation of Section 8-13-1308(D); and therefore, Respondent Henry W. King, Jr. is hereby assessed a reduced late-filing penalty of \$500.00. The reduced late filing penalty of \$500.00 must be paid within 90 days of receipt of the signed order or it will revert to the original \$5,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,000.00 is, and shall be entered against Respondent, if he fails to pay the re-

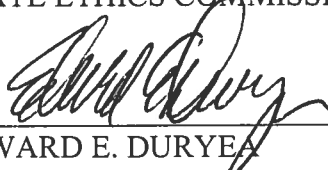
duced late filing penalty in the time allotted.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$5,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Henry W. King, Jr. has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 29th DAY OF April, 2012.

STATE ETHICS COMMISSION


EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA